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OFFICE OF PETITIONS

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Patent No. RE37784 (5,780,987) :
Issued: July 9, 2002 (July 14, 1998) :
Application No. 09/614,222 (08/888,836) : ON PETITION
Filed: July 11, 2000 (July 7, 1997) :
Atty. Dkt. No.: 68895 (61708) :

This is a decision on the petition under 37 CFR 1.377, filed December 21, 2010, for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of patent.

The original patent issued July 14, 1998. The 7.5 year maintenance fee and surcharge were accepted on February 8, 2007. The 11.5 year maintenance fee could have been paid from July 14, 2009 to January 14, 2010 without a surcharge or from January 15, 2010 to July 14, 2010 with a surcharge. The record reflects that the 11.5 year maintenance fee, remitted January 14, 2010, was not accepted by the USPTO on the grounds that the patent was expired.

As the patent was reinstated on February 8, 2007, the patent at the time of remission was of the 11.5 year maintenance fee was in good standing. Thus, the maintenance fee should have been accepted.

In view thereof, the 11.5 year maintenance fee, which has been charged to the authorized deposit account, is hereby accepted.

The petition is **GRANTED**.

Patentee has not been charged the petition fee of \$400.00 as review of the record reveals the mistake at issue to have been made by the Office.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions